

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE



5 We the Application of:

Cook, et al.

Serial No.: 09/437,833

10 Filed: November 9, 1999

For: EMPLOYEE SCHEDULING AND
SCHEDULE MODIFICATION
METHOD AND APPARATUS

15

)
) Group Art Unit: 2163

)
) Examiner: Irshadullah, M.

)
) Attorney Docket No.: PAT-005

AFFIDAVIT UNDER 37 CFR 1.131

RECEIVED

MAY - 3 2004

GROUP 3600

20 Honorable Commissioner for Patents
Box AF
PO Box 1450
Alexandria, VA 22313-1450

25 Sir or Madam:

Mark J. Pettay, Jacqueline L. Reeves, and Jill M. Vacek, being duly deposed and sworn, depose and say:

30 1. We are the inventors of the subject matter described and claimed in the above-identified patent application. The inventorship of the above-identified application was corrected via a petition mailed by applicants to the United States Patent and Trademark Office on or about 11 October 2002. In this petition, Mark J. Pettay was added as a listed inventor, and C. Todd Cook was deleted as a listed inventor. Mr. Cook had served as a point of contact for our patent
35 attorneys in preparing this application, as indicated by some of the Exhibits enclosed herewith.

2. Prior to 21 October 1999, we conceived the concept of scheduling employees and supporting modification of such employee schedules was, as described and claimed in the above-identified patent application. On or about 17 August 1999, in response to a preliminary draft of the above-identified application prepared by our patent attorneys to cover the above concept, Mr.

40 Cook prepared the enclosed flowcharts (Exhibits A-E). These flowcharts depict process flow

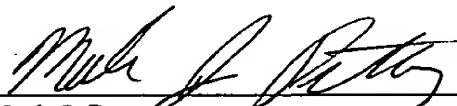
provided by various aspects of the subject matter described and claimed in the above-identified application. Turning to these Exhibits A-E in more detail, the flowcharts shown therein provided substantial basis for certain of the drawing figures as originally filed in the above-identified patent application, as follows:

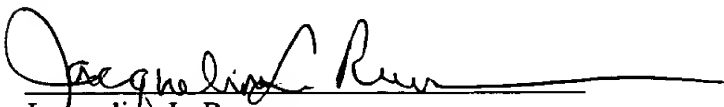
- 5 • the flowchart shown as Exhibit A provided substantial basis for Figure 9 as originally filed;
- the flowchart shown as Exhibit B provided substantial basis for Figure 10 as originally filed;
- 10 • the flowchart shown as Exhibit C provided substantial basis for Figure 11 as originally filed;
- the flowchart shown as Exhibit D provided substantial basis for Figure 12 as originally filed; and
- the flowchart shown as Exhibit E provided substantial basis for Figure 13 as originally filed.


15 3. Our patent attorneys revised the preliminary draft of the above-identified patent application, based at least in part on the above flowcharts, and forwarded a revised draft to us for review by letter dated 21 September 1999, addressed to C. Todd Cook. A copy of this letter is enclosed as Exhibit F.

20 4. Progress toward finalizing the above-identified patent application for filing continued diligently throughout the month of October 1999 and into early November 1999, until our patent attorneys were given final approval to file the above-identified application, as referenced in the letter dated 3 November 1999, enclosed herewith as Exhibit G.

5. The above-identified application was filed with the USPTO on 9 November 1999.

25 
Mark J. Pettay


Jacqueline L. Reeves



Jill M. Vacek

State of Nebraska) S.S.

5 County of Douglas)

Sworn to and subscribed before me

this 26th day of April, 2004.



